THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date: 22-01-2007

WRIT PETITION No. 22608 OF 2006

BETWEEN:

Y.Thikkaswamy S/o Y.Narayanappa, aged about 35 years,
Occ: Teacher,
M.P.U.P.School, Kotakonda Village, Rudravaram Mandal,
Kurnool District.

…Petitioner

And

1. The Deputy Superintendent of Police,
   Allagadda Sub Division, Allagadda, Kurnool District.

2. The Station House Officer, Rudravaram Police Station,
   Kurnool District.

…Respondents

ORDER:

The learned counsel appearing for the petitioner submits that having registered Crime No.170 of 2006 of Rudravaram Police Station, Kurnool District on a complaint filed by the petitioner for the offence punishable under Section 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against five accused, the respondents have not taken any action to complete the investigation and to file a report. Aggrieved by the said action, this Writ Petition has been filed.

A counter has been filed by the first respondent, stating that on a complaint lodged by the petitioner on 26-9-2006, the said Crime No.170 of 2006 was registered for the offence punishable under Section 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the investigation has been completed. It is also stated that as the investigation revealed that no case has been made out, a report has been sent to the Superintendent of Police, Kurnool, seeking permission to refer the complaint as false and as the same is pending consideration with the Superintendent of

Police, final report could not be filed before the concerned Criminal Court.

The learned counsel appearing for the petitioner submits that as the investigation has already been completed according to the respondents and they are going to file a report referring the complaint as false, the petitioner may be permitted to file a protest petition as and when the final report is filed before the concerned Magistrate.

Accordingly, the writ petition is dismissed with a liberty to the petitioner to file a protest petition as and when the final report is filed before the concerned Magistrate. No order as to costs.

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V.ESWARAIAH, J

Date: 22-01-2007.

Shr.